



COMMITTEE of the WHOLE

CITY COUNCIL

Monday, March 16, 2009

**Penn Room
Meeting Report**

City Council Present: V. Spencer, J. Waltman, M. Baez, S. Marmarou, M. Goodman-Hinnershitz, S. Fuhs, D. Sterner,

Others Present: R. Hottenstein, L. Kelleher, C. Jones, L. Lloyd, PaDEP and Fish and Game Commission

Bushong Dam Removal

Mr. Spencer provided background information on the issue. He stated that Council first learned of the request to remove the Bushong Dam a few weeks ago.

Mr. Fuhs inquired if the Dam has safety issues. Mr. Kreider, from the PaDEP, stated that the dam was last inspected in 2003. The dam was found to be free from structural deficiencies. Mr. Fuhs noted that Act 91 requires the installation of warning signs and buoys where dam safety issues are present. Mr. Kreider stated that under Act 91, the City would be required to only post warning signs at approximately \$400 each. The installation of buoys is not needed.

Mr. Fuhs inquired why the City should spend over \$100,000 to remove a dam that does not have safety issues. Mr. Kreider replied that removing the dam will improve the water quality in the river, eliminate the City's exposure to liability and in some cases reduce the threat of downstream flooding. He also noted that the removal of the dam will improve the living environment for the fish. Mr. Fuhs inquired if the installation of fish ladders could improve quality of life for the fish. Mr. Kreider replied that fish ladders do not always work, as fish sometimes find them difficult to use. He also stated that fish ladders are expensive to install.

Mr. Fuhs inquired if the PaDEP will also be speaking with the County about the removal of Gring's Mill Dam, which is just upstream from the Bushong Dam. Mr. Kreider stated that at present the removal of Gring's Mill dam is not being considered.

Ms. Goodman-Hinnershitz inquired about the rating of the dam. Mr. Kreider replied that Bushong Dam, a run of the river dam, is a low hazard dam. He explained that the PaDEP

attempts to coordinate the removal of several run of the river dams each year.

Mr. Waltman inquired about the PaDEP's larger dam removal plan. He expressed his belief in the aesthetics of dams in river ways. Mr. Kreider explained that the PaDEP is working to remove dams that dovetail with trail way development and reconnect various ecosystems.

Mr. Marmarou noted receiving several phone calls informing him that the Commonwealth, not the City, owns the dam. Mr. Kreider stated that the State never owned the dam. A title search proved the City's ownership after the 1978 condemnation of the adjoining mill property.

Ms. Goodman-Hinnershitz inquired about the cost to secure the race mill area. Mr. Jones stated that estimates have not been obtained. He added that the dam is 135 feet wide. Mr. Kreider stated that if the dam is not removed the City will only be required to install warning signs. He noted that the PaDEP is not requiring the City to remove the Bushong Dam. He added that the letter issued to the City only outlined the City's responsibility as the newly identified owner of the dam.

A member of the audience inquired why Council is being asked to make a decision on the dam's removal before seeking input from the affected community. She noted the work of the community to improve Confluence Park, which will be adversely affected if the Bushong Dam is removed. She also noted the problems with the survey completed with the condemnation proceeding. Mr. Younger was asked to review this issue further.

Ms. Goodman-Hinnershitz stated that the mill race presents a larger safety issue than the dam. She stated that if the dam is not removed the City will need to secure the mill race. She noted that the PaDEP should be more concerned with the remediation of Bernhart's Park.

Mr. Sterner inquired why the Conservancy is pressuring the City to remove this dam as there are no plans to remove Gring's Mill Dam.

Mr. Lloyd stated that the deadline on the grant to remove the dam is April 1. He noted the need for Council to make a decision prior to April 1st. He explained that the Conservancy began discussing this issue with the Administration a year ago. Ms. Kelleher stated that Council was only advised of the City's ownership of the dam at a work session in June 2008. Council was not advised of the Conservancy's desire to have the dam removed.

Mr. Spencer inquired why Council was not brought into this discussion earlier. He also questioned why the Administration would apply for a grant to remove the dam before obtaining input from City Council and the community.

Mr. Waltman noted that the dam is well over 100 years old. As the dam does not have any structural issues, the dam could continue to exist for an additional 100 years without problem.

He noted that the river itself presents larger liability issues than the Bushong Dam. He noted the dangers associated with the canal walls and bridge abutments.

Ms. Goodman-Hinnershitz stated that there are pros and cons for removing the dam and retaining it. She agreed with the need to hear from the affected community before making a decision.

Mr. Sterner inquired if the trout fishing will be harmed if the dam is removed. Mr. Kreider stated that this area is stocked annually and the removal of the dam would probably improve the mobility and habitat of the trout.

Mr. Spencer announced that Council will delay making a decision until after the public meeting scheduled for April 2nd. Mr. Hottenstein thanked the Conservancy for their work on this issue and for presenting a solution with their work plan.

As no further business was brought forward the meeting was adjourned.

Respectfully submitted by City Clerk Linda A. Kelleher, CMC